

Councillor Champagne being prevented from attending by persons interested for defendants, and that at the regular meeting of the 4th November a motion in effect repealing the resolution of the 15th was proposed, and an amendment negating the same, and Champagne's vote thereon challenged on the ground of his being interested, which question the mayor illegally refused to put—and adds that the town of Maisonneuve does not contest because it is well aware that plaintiff's pretensions are well founded.

Upon the issues so joined a vast amount of evidence was taken, and the numerous important and interesting questions ably and exhaustively argued by the counsel of the parties.

The first question which the court is called upon to decide is that raised by the allegations of defendant's plea, putting in issue plaintiff's right to demand a writ of injunction.

It is to be remarked that the declaration and the petition contain no averment that any special damage will be suffered by Dolphis Belair, the plaintiff, by reason of the works sought to be enjoined. The declaration speaks solely of damage to be suffered by the municipality, and by its rate-payers generally, and though the petition of which this declaration is made to form part, alleges that the company defendant is carrying on its works to the great damage and injury of the said municipality and of plaintiff, this can hardly be said to amount to an allegation that plaintiff thereby suffers or is exposed to suffer any special damage particular to himself, and different from that which may result to every rate-payer from an injury done the corporation as a body.

The declaration and petition also make no special mention of the nature of the damage to be suffered by the municipality beyond speaking of it as damage to its property, and injury resulting from its being exposed to actions of damages.

The answer to the plea goes a step further, and specifies as one cause of damage that the works impede the streets of the municipality.

The evidence shows that the works sought to be enjoined consist in the main in the digging of holes for the planting of poles, the erection of such poles in the streets of Maisonneuve, the stringing of electric wires upon such poles—and the immediate injury resulting consists in the obstruction of such streets, and the ultimate damage apprehended is that of the responsibility in